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INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE PRIORITY

RUEKJCS/OSD WASHINGTON DC PRIORITY

RHEHAAA/NATIONAL SECURITY COUNCIL WASHINGTON DC PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 TBILISI 000071

SIPDIS

E.O. 12958: DECL: 01/15/2020

TAGS: PGOV PREL MOPS RS GG

SUBJECT: GEORGIA: VERDICT ANNOUNCED IN MUKHROVANI ATTEMPTED MUTINY TRIAL

REF: A. 09 TBILISI 857

1B. 09 TBILISI 866

Classified By: Charge d'Affaires a.i. Kent Logsdon for reasons 1.4 (b) and (d)

11. (C) Summary and comment. Verdicts in the trials of 20 people accused of participating in the attempted mutiny at Mukhrovani military base in May 2009 were announced on January 11. One defendant, retired General Koba Kobaladze, was cleared of coup charges but found guilty of possession of illegal firearms and grenades; he was sentenced to time served and released. The government considered Kobaladze one of the ringleaders of the mutiny, but the prosecution's evidence against him was reportedly limited. The other nineteen defendants were found guilty of various charges, including three found guilty of mutiny and sentenced to 29, 28, and 19-year prison sentences. The judge has not yet released a comprehensive justification of the verdict, but after he does, those convicted are expected to appeal the decision. The fact that the trial was closed makes it difficult for local observers and the Embassy to analyze the proceedings and the result. At the same time, the fact that one of the alleged ringleaders was largely exonerated and that the sentences given to other defendants differed widely suggests the trial did reflect some respect for due process. More information may become available as the appeals process moves forward. End summary and comment.

#### BACKGROUND

12. (C) On May 5, 2009 a mutiny attempt took place at the Mukhrovani military base, near the Vaziani Airbase and approximately 10 miles outside of Tbilisi. The Georgian government alleged at the time that the organizers of the mutiny had ties to Russia and that Russia was involved, including by funding the organizers of the mutiny (Ref A). Foreign Minister Grigol Vashadze at the time also described the attempt as "designed to disrupt the NATO Partnership for Peace exercise" (Ref B) which was underway. At a briefing for the diplomatic corps on the same day Vashadze offered his assurances that the investigation would be conducted in a transparent fashion. Although the events that actually took place on May 5 of last year remain unclear, there is plausible evidence that some kind of conspiracy was in the works.

#### THE VERDICTS

13. (U) Not all defendants were listed by name in the verdict. Those who were are listed by name and the others by the description provided. The verdicts on the twenty defendants were as follows.

1A. Retired General Koba Kobaladze was cleared of coup charges but found guilty of keeping illegal firearms and grenades. He was sentenced to eight months in prison; as he has already been in detention since May fifth and was therefore given credit for time served and released. The prosecution had sought a 13-and-a-half-year sentence for the

combination of both charges.

1B. Koba Otnadze, a retired army Colonel and named by the prosecution as one of the key organizers of the mutiny, was found guilty of all charges including mutiny to overthrow the government, organizing an attempted coup, illegal possession of arms and disobedience. He was sentenced to 29 years in prison.

1C. Levan Amiridze, who at the time was a Commander of a rangers' battalion, was found guilty of mutiny to overthrow the government and disobedience and sentenced to a 28-year prison term.

1D. Shota (Mamuka) Gorgiashvili, who was at the time a commander of the tank battalion in Mukhrovani, was found guilty of mutiny to overthrow the government and disobedience and sentenced to a 19-year prison term.

1E. Kakha Kobaidze, a former Commander of the Kutaisi-based 3rd brigade, was found guilty of not reporting the crime and sentenced to a three-year prison term and a GEL 10,000 (5,882 USD) fine.

1F. Davit Sulkhanishvili, a former Commander of the Gori-based first brigade, was found guilty of not reporting the crime and sentenced to a three year conditional prison term and GEL 20,000 (11,764 USD) fine. Unlike Kobaidze, who pleaded not guilty, Sulkhanishvili pleaded guilty.

1G. Zurab Chalatashvili, a former helicopter pilot who served at the Alekseevka air base, was found guilty of not reporting the crime and sentenced to three years in prison.

1H. Zurab Bzishvili, a former tank crew member from the Mukhrovani base, was found guilty of disobedience and illegal relocation of an armored vehicle and sentenced to nine years in prison.

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1I. The judge ruled that seven unnamed civilians who were charged with mutiny to overthrow the government should instead be qualified as providing assistance to disobedience.

They were sentenced to prison terms varying from 10 to 15 years and also found guilty of charges related with illegal possession of firearms.

1J. Five other unnamed civilians were found guilty of disobedience and illegal possession of firearms and sentenced to prison terms varying from nine to ten years.

14. (U) In a plea bargain deal with the prosecution also announced on January 11, Zaza Sandodze, a relative of Koba Otnadze, also was sentenced to two years in prison for charges including illegal possession of arms, not reporting the crime and resisting police orders.

GYLA WEIGHS IN

15. (C) Representatives of the Georgian Young Lawyer's Association (GYLA) offered a limited assessment of the process because the trial was closed. GYLA noted to us that none of the defendants asked for their help or accepted it when offered to them, so GYLA could not get directly involved. They did agree with press commentary that Kobaladze's case was the weakest point of the prosecution, as it was based on the testimony of only one person, a man named Gia Gvaladze, who was convicted of two years in prison for attempted mutiny charges in a plea bargain in early October 2009.

16. (C) More information may become available as the appeals process moves forward. Defense lawyers for Otnadze, Amiridze and Gorgiashvili said they would appeal the coup charges in a higher court, and would in part base their case on the judge having turned down Gvaladze's testimony in the Kobaladze case. If the defense lawyers or the Ombudsman's office choose to do so they have the right to request all documents from the trial from the judiciary.

LOGSDON